

RPTR HUMISTON

EDTR HOFSTAD

MIXED MARTIAL ARTS: ISSUES AND PERSPECTIVES

THURSDAY, DECEMBER 8, 2016

House of Representatives,

Subcommittee on Commerce, Manufacturing, and Trade,

Committee on Energy and Commerce,

Washington, D.C.

The subcommittee met, pursuant to call, at 10:57 a.m., in Room 2322, Rayburn House Office Building, Hon. Michael C. Burgess, M.D., [chairman of the subcommittee] presiding.

Present: Representatives Burgess, Lance, Guthrie, Mullin, Schakowsky, Kennedy, Rush, and Welch.

Staff Present: Grace Applebe, Staff Assistant; Graham Dufault, Counsel, Commerce, Manufacturing, and Trade; Blair Ellis, Digital Coordinator and Press Secretary; Melissa Froelich, Counsel, Commerce, Manufacturing, and Trade; Giulia Giannangeli, Legislative Clerk,

Commerce, Manufacturing, and Trade; A.T. Johnston, Senior Policy Advisor; Paul Nagle, Chief Counsel, Commerce, Manufacturing, and Trade; Dan Schneider, Press Secretary; Olivia Trusty, Professional Staff, Commerce, Manufacturing, and Trade; Dylan Vorbach, Deputy Press Secretary; Michelle Ash, Minority Chief Counsel, Commerce, Manufacturing, and Trade; Lisa Goldman, Minority Counsel, Commerce, Manufacturing, and Trade; Chris Knauer, Minority Staff Director, Oversight and Investigations; Elizabeth Letter, Minority Professional Staff, Oversight and Investigations; Dan Miller, Minority Staff; Caroline Paris-Behr, Minority, Commerce, Manufacturing, and Trade; and Matthew Schumacher, Minority Press Assistant.

Mr. Burgess. The Subcommittee on Commerce, Manufacturing, and Trade will now come to order.

The chair recognizes himself for 5 minutes for the purposes of an opening statement.

And good morning to all of our witnesses. We appreciate you being with us this morning.

Before we turn to the matter at hand, I do want to make note of the fact that this is our last hearing before the 114th Congress. I certainly want to thank my vice chairman, Chairman Lance of New Jersey, and Ranking Member Schakowsky of Illinois for their hard work and the hard work of all of our members.

The Energy and Commerce Committee itself is probably one of the most productive committees on Capitol Hill. The Commerce, Manufacturing, and Trade Committee has justifiably earned the reputation as the think tank of the Energy and Commerce Committee. And I would just note to the members on the dais that we have passed over two dozen pieces of legislation from members on both sides of the dais over the past 2 years -- one of the most productive legislative accomplishments for this subcommittee in several years.

So, thanks to the participation of all of our members, I believe, no pun intended, we have been punching above our weight. And I am happy to close out this Congress with my colleagues on the Commerce, Manufacturing, and Trade Committee and look forward to a busy agenda for next year.

Once more, we turn our attention to something where this is

plowing new ground for Congress. As broad and varied as our jurisdiction is, mixed martial arts, especially the industry of mixed martial arts, is probably a new concept to some of us. In fact, it is to your chairman.

As the industry continues to evolve swiftly, it seems that now is the time to bring Congress up to speed on mixed martial arts and understand if there is a role that Congress should be playing in this multibillion-dollar industry. I want to thank Congressman Mullin for making sure this issue was on the subcommittee's agenda.

The latest major mixed martial arts event drew a little under 2 million viewers and around 1.5 million pay-per-view buys. It generated \$18 million at the gate, \$1.5 million of which went to the State of New York in taxes. Perhaps most importantly, since about half of the mixed martial arts fan base is comprised of millennials, the event created 14 billion social media impressions, which Nielsen now tracks.

The winner at the top of the fight card made \$40 million. That doesn't match what a top boxing championship fight brings, but there is no longer a doubt that mixed martial arts is ready for prime time, and there is certainly no doubt that it is an economic driver.

In our previous sports hearings, we have grappled primarily with athlete safety and the implications of safety rules on youth sports. The safety of MMA fighters is of importance, and this will figure into our broad discussion of how the industry works and how it is regulated at the State level.

The politics around combat sports are tough. To some degree, fighters assume risks. All 50 States have legalized mixed martial arts and regulate it to some degree. State athletic commissions have generally promulgated rules that prohibit certain maneuvers in the ring, require certain equipment, and provide for athlete drug testing. Some States are stricter than others, depending upon a State's resources, how popular the State is as a venue for mixed martial arts.

As with boxing, fighters must generally obtain a license to fight. States and the major promotions also require physicians to be present and make certain that the fighters are healthy before, during, and after a bout.

I thank the panelists, who represent a variety of interests and perspectives, for their participation today. I certainly look forward to a lively and interesting discussion.

And I would like to yield then to the gentleman from New Jersey for his opening statement.

[The prepared statement of Mr. Burgess follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Lance. Thank you, Mr. Chairman.

In my three terms serving on the Energy and Commerce Committee, this has been by far the most productive session for the Commerce, Manufacturing, and Trade Subcommittee, due in large part to the leadership of Dr. Burgess and the hard work of the committee staff.

Through the highly successful "disruptor" series, CMT has asserted itself as the principal subcommittee supporting the technological innovations our economy needs to thrive. We have acted on the information learned from these educational hearings by passing bipartisan, targeted legislation and beginning the first legislative update to the Federal Trade Commission in 20 years.

We have also passed legislation to help consumers -- for example, to review their experiences without businesses engaging in retribution. Under Dr. Burgess's leadership, CMT has also provided vigorous oversight of the Takata airbag recall, the largest safety recall in automotive history.

Congratulations, Dr. Burgess, on an exceptionally effective session, and I look forward to continuing our work on these important issues and other issues in the full committee next Congress.

I also take a moment to recognize outgoing Chairman Fred Upton of the full committee. And today is a historic and important day, as the 21st Century Cures Act goes to the President's desk.

At this season, I wish everybody a Merry Christmas and a peaceful new year, and particularly safety to our troops, our magnificent troops across the globe, who protect us and the American people in general.

And, Mr. Chairman, I yield back the balance of our time.

[The prepared statement of Mr. Lance follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*



Mr. Burgess. The chair thanks the gentleman for his remarks. Notes the gentleman went a little bit over, but since his remarks seemed so important and you were thanking the chairman, I would ask unanimous consent that the gentleman be allowed to do that.

And, of course, I want to thank the ranking member of the committee, Ms. Schakowsky from Illinois, for being here, as well, and for a very productive 2 years on the Commerce, Manufacturing, and Trade Subcommittee and recognize you for 5 minutes for the purpose of an opening statement.

Ms. Schakowsky. Thank you, Mr. Chairman. And I want to thank you too. It has been a very interesting and, I think, productive session of Congress. And it has been a personal pleasure to be able to serve with you as the chairman and myself as the ranking member.

I also want to wish everyone a Merry Christmas and a Happy Hanukkah, which actually happen to fall at the same time.

And then to the business of the morning.

When I first heard that we would be having a hearing on mixed martial arts, I was surprised. I confess I am not an MMA fan. Aren't you shocked? I have had to learn a little more about MMA in preparation for the hearing, and I don't think that it is going to be my new hobby. However, you don't have to be an MMA fan to recognize the need for greater negotiating power and stronger protections for MMA fighters.

Our colleague Congressman Mullin used to be an MMA fighter. I chatted with him about his sport, and yesterday I met with other MMA fighters in my office. The lack of leverage that they have in their

contract negotiations is, frankly, pretty shocking. And that comes through when you look at differences in pay and benefits between MMA and other sports.

Congressman Mullin comes to this issue as an MMA fighter; I come to it as a fighter for workers' rights and safety. But today I think that puts us on the same side. When I saw what MMA is, the mother in me came out a little bit. I don't know why you would do that to yourself, but MMA fighters love their sport, and they should be able to fight. I do, however, want to make sure that they aren't put at unnecessary risk.

Safety for fighters and the structure of MMA are very interlinked. Generally speaking, fighters only get paid if they are in a match. They have to secure their own health insurance, because the promoters' insurance just covers injuries within a match, not the injuries that frequently happen in weeks of training beforehand. That forces fighters to push themselves, sometimes at great personal risk.

MMA can involve blows to the head, and, for me, that immediately raises concern about brain injury, which we have seen in other contact sports. Two months ago, 25-year-old Jordan Parsons became the first MMA fighter to be diagnosed with chronic traumatic encephalopathy, CTE. This should not be surprising. Research has shown that repetitive hits to the head have cumulative long-term effects on brain function and physiology and may increase the risk of CTE.

CTE is not new to members of the Energy and Commerce Committee. Last March, in response to a question I raised, a National Football

League representative admitted for the very first time a definite link between football and CTE. Dr. McKee, who we will hear from today, was at that roundtable. Representatives Frank Pallone, Gene Green, and Diana DeGette and I have also been pressing the National Hockey League to do more to reduce the risk of head injuries. MMA is just the latest sport where CTE is an issue.

We have seen some progress at the State level already. New York State included a provision in its MMA legislation that recognizes the risk of brain trauma and requires MMA promoters to carry insurance to cover treatment of life-threatening brain injuries.

If, knowing the risks, adults still want to be part of MMA fights, I guess that is all right, but fighters and promoters should take some basic precautions, and fighters should have the leverage to stand up for their own safety.

In Dr. McKee's written testimony, she provides some recommendations on the risk of brain injuries in MMA, how they can be reduced. We also need to support further research on the connection between CTE and contact sports so that adults know the risk.

Research is especially critical, given the risk to young athletes. According to ESPN, an estimated 3.2 million kids 13 and under now participate in MMA. Kids can start classes as early as 6 years old. Some leagues ban head hits for younger fighters. However, Dr. Rebecca Carl from the American Academy of Pediatrics' Council on Sports Medicine and Fitness warns that kids don't need to be hit in the head to experience brain injury. "The force of being

thrown to the ground is enough to injure the brain." That is a quote. And to continue the quote, "I don't think there is enough data available to say that MMA is safe for children," unquote.

I want to explore how MMA can be safer and fairer for fighters of all ages.

I want to thank the witnesses for being here today, and I look forward to your testimony.

I yield back.

[The prepared statement of Ms. Schakowsky follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Burgess. The gentlelady yields back. The chair thanks the gentlelady.

The chair now recognizes the gentleman from Oklahoma, Mr. Mullin, 5 minutes to summarize your opening statement, please.

Mr. Mullin. Thank you, Mr. Chairman.

And real quick, I want to correct -- maybe you misspoke in something you said a while ago, that the top card, the top fighter received over \$40 million in payout. Wasn't even close, which I know is just misspoken. The top ticket only received, combined, \$4 million. Compared to boxing, it is a big difference. I just want to make sure that everybody understands the difference on that one.

Mr. Burgess. The chair thanks the gentleman. We will correct the record.

Mr. Mullin. Thank you, Mr. Chairman, for holding this important hearing to examine a growing sport that I am passionate about like MMA. I also want to thank Chairman Upton for his help in getting us to this point. This informational hearing is vital to educate the members of this committee and the public on the history, current status, and the future of MMA.

As we look at varying issues, from contracts to health, from anti-doping to conflicts of interest, I hope we can keep one thing in mind: It is the fighters. Without them, there is no UFC, there is no Bellator, there is no sport. The promoters have done so much to grow the sport, but the fighters are what make this sport so compelling and so great to watch.

The sport is much different than when I was younger. There is more media, more money, and what brings in -- with that brings more fans. As MMA continues to grow, we need to make sure we keep it growing with everybody.

Before I yield back, I want to highlight my bill, the Muhammad Ali Expansion Act. Although it is not the focus of this hearing, it is certainly relevant. And I look forward to hearing the perspectives of our witnesses on the legislation, on the issues it addresses with fighters' contracts, the ranking system, and the role of managers and promoters.

It is my hope that all members of this committee leave this hearing with a better understanding of MMA and will continue working in the next Congress on the issue that affects all parties in this room, especially the fighters.

Thank you, Mr. Chairman. I yield back.

[The prepared statement of Mr. Mullin follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Burgess. The chair thanks the gentleman.

We will conclude now with member opening statements, seeing no other members wishing to offer an opening statement. The chair would remind members that, pursuant to committee rules, all members' opening statements will be made part of the record.

We do want to thank all of our witnesses for being here today, taking time to testify before the subcommittee. Today's witnesses will have an opportunity to give opening statements, followed then by questions from members.

Our witness panel for today's hearing includes the Honorable Jeff Denham from the State of California, the 10th District -- thank you for being here this morning, Representative -- Mr. Jeff Novitzky, the vice president of athlete health and performance at the Ultimate Fighting Championship; Ms. Lydia Robertson, treasurer at the Association of Boxing Commissions and Combative Sports; Dr. Ann McKee, professor of neurology and pathology at Boston University School of Medicine; and Mr. Randy Couture, president at Xtreme Couture.

We appreciate each of you being here today. We will begin our panel with Representative Denham.

And, Representative Denham, you are recognized for 5 minutes for an opening statement, please.

STATEMENTS OF THE HON. JEFF DENHAM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA; JEFF NOVITZKY, VICE PRESIDENT, ATHLETE HEALTH AND PERFORMANCE, ULTIMATE FIGHTING CHAMPIONSHIP; LYDIA ROBERTSON, TREASURER, ASSOCIATION OF BOXING COMMISSIONS AND COMBATIVE SPORTS; ANN MCKEE, M.D., PROFESSOR OF NEUROLOGY AND PATHOLOGY, ALZHEIMER'S DISEASE CENTER, BOSTON UNIVERSITY, NEUROPATHOLOGY CORE, BOSTON UNIVERSITY; AND RANDY COUTURE, PRESIDENT, XTREME COUTURE

STATEMENT OF THE HON. JEFF DENHAM

Mr. Denham. Thank you, Mr. Chairman.

I would like to thank the chairman and the ranking member for allowing me to testify today. I also want to thank Representative Mullin for bringing this issue to the forefront. It is an important issue to address and make sure there are some minimum mandatory requirements as we move forward with this great sport.

I had the opportunity to enjoy another great sport, boxing. I spent a lot of time in and around the ring but also saw the challenges and the damage that a very difficult sport can have, the lasting impacts on those that engage in it.

I believe that we need to have some minimum standards, because, oftentimes, if the health of a fighter is not addressed, you can have a fighter that gets back into the ring early or before they are completely healed. If that happens, that also lends itself to have



irreparable long-term damage as well. And I have seen the lasting impacts of friends that have gotten back into the ring too early or before they were completely healed.

So I do believe that the boxing industry has changed. In 1996, the Professional Boxing Safety Act did make some changes. It focused on the physical well-being of boxers by establishing the minimum health and safety standards for professional boxing, with limited Federal oversight by the Department of Justice and the Federal Trade Commission. I don't want to see Congress insert itself so much that it really interferes with the great sport, but I do believe that there needs to be some minimum mandatory requirements.

I also believe that, as any business, you hire people, you expect them to operate on your behalf. So I hire a manager, much like I would hire a chief of staff or somebody to manage my company, I expect them to operate on my behalf. And so I think there needs to be some transparency between the manager and any type of payment, outside of the fighter, that they may be receiving.

In the Ali Act in 2000, after the 1996 initial act, the Ali Act addressed that issue. It also addressed some consistency across the States to make sure that boxing commissions across every State had those minimum contracts as well.

And much like boxers, MMA fighters also receive a card, but I think that it is important that we have a consistent health inspection for the safety of the fighter to make sure that they are prepared to go back into the ring, back into the battle, and they are fully healthy

and prepared to do so.

So those minimum standards, I think, are very important across the country, making sure that our State boxing commissions or, in this case, MMA fighters also have that same safety, health inspection, a clearance to get back into the ring so that their future is safe as well.

There are other experts up here that will talk about the rankings and contract negotiations. I think those are important discussions to have right now, but I don't think that there is anything more important than the health and safety of the individual that is engaging in an incredible, great sport. I want to see MMA continue to flourish. I am a big fan. But, as a former boxer, I also know that the safety that can go with that sport needs to be addressed as well.

So I am proud to be a coauthor of this bill and look forward to working with you as we have future hearings and future amendments and go through the continued process. This is something that I think is not only exciting to address, but it is something that is critically important to address. And, again, I want to thank Mr. Mullin for bringing this issue to the forefront.

Thank you for allowing me to testify.

[The prepared statement of Mr. Denham follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Burgess. The chair thanks the gentleman.

Mr. Novitzky, you are now recognized for 5 minutes for an opening statement.

#### **STATEMENT OF JEFF NOVITZKY**

Mr. Novitzky. Thank you, Mr. Chairman, members of the committee. It is an honor to be up here today with my fellow witnesses. My name is Jeff Novitzky. I am the UFC's vice president of athlete health and performance. I would like to thank you for holding this hearing. I think it is important to recognize the significance we all place, and to mirror what Representative Denham just said, on the most important issue that we will talk about today, athlete health and safety.

I would like to start off by giving the committee a brief history of my experience outside of the UFC and what ultimately led me to the UFC last year.

In April of 2015, I retired from 22-plus years in Federal law enforcement in the United States. In 2002, I opened an investigation on a company known as BALCO Laboratories for the illegal distribution of athletic performance-enhancing drugs, or PEDs.

While the case and subsequent cases that I worked in this arena focused on the illegal distribution of PEDs and not the athletes that used them, nevertheless the BALCO Laboratories investigation ended up involving some of the biggest names in sport in the world at the time

who were athlete clients of BALCO: Barry Bonds, Marion Jones, dozens of Olympic athletes, boxers, NFL athletes, and several Major League Baseball players.

The high-profile nature of the investigation steered many investigative leads my way over the course of my career and led me to subsequent investigations involving the distribution of PEDs to high-profile athletes. And, finally, I conducted an investigation on professional cycling, including the United States Postal Service Cycling Team, whose members included Lance Armstrong.

I estimate that throughout my career I spoke with between 150 and 200 professional athletes who chose to use PEDs, and I always took the opportunity to ask them why they made that choice. And more often than not, the answer came down to one word, and that word was "trust." They didn't trust that their teammates, who they were competing for playing time and contracts, weren't using. They didn't trust that their competitors weren't using. And, most importantly, they didn't trust that their sports organization really cared about the issue, and that doping was allowed to fester because there was not sufficient programs in place to catch as well as deter athletes from ultimately harming themselves and others.

When I was first approached by the UFC to develop and implement their new anti-doping program, I saw this as an opportunity to change that tide in sentiment. The more I talked with UFC executives, I quickly realized that their passion and commitment to athlete health and safety was paramount. They told me repeatedly, "We want the best

anti-doping program in the world. We want to be the gold standard for not just combat sports but for all sports." I realized I could be part of a program within a sports organization that its athletes could trust and could be a positive influence toward athlete health and safety for not just the UFC but for all professional sports.

I can confidently state that in the year and a half since our anti-doping program has been up and running, the UFC has put together the most comprehensive, robust anti-doping program in professional sports in the world.

A major pillar of our program is the outsourcing of the administration of the program to the United States Anti-Doping Agency, or USADA, who is widely considered the most reputable anti-doping organization in the world.

Earlier this year, the UFC renewed our commitment, a 5-year commitment, \$1 million commitment, to the Professional Fighters Brain Health Study that is being conducted through the Cleveland Clinic. This commitment makes UFC the largest combat sports contributor to the study. We currently have 88 current and former UFC fighters enrolled in the study. It is done over longer periods of time to develop ways to improve safety in combat sports, along with other professional athletes exposed to repetitive head trauma.

Another big development relating to fighter health and safety is the construction of the UFC's new Athlete Health and Performance Center. The goal of this state-of-the-art facility will be to provide our athletes, free of charge, with the best training, rehabilitation,

nutrition education, and injury prevention practices available in the world. We will team with universities to conduct studies on our athletes to learn best practices as it comes to training, rehabilitation, brain health, nutrition, and weight management practices. We will use these studies to not only help UFC athletes but all professional athletes. The center is scheduled to be completed in the spring of 2017.

As you can see, the UFC has taken concrete steps towards increasing safety standards and protocols, not just within our organization, not just throughout mixed martial arts and combat sports community, but across the board in the professional sports landscape.

From our anti-doping program, which has been recognized by the media as the best anti-doping program in professional sports, our continuing education of athletes on topics relating to their health and safety, safer weight management guidelines and practices, our participation in brain studies through the Cleveland Clinic, and our new Athlete Health and Performance Center, we have made great strides to ensure all of our athletes compete on a level playing field, take proactive steps to protect their health and safety, and enable to them to lead fulfilling lives both in and out of competition.

As an organization, we are not only looking to lead combat sports in this area but take a leadership role and set an example for all of professional sports.

Thank you.

[The prepared statement of Mr. Novitzky follows:]

\*\*\*\*\* INSERT 1-1 \*\*\*\*\*

Mr. Burgess. The chair thanks the gentleman.

Ms. Robertson, you are recognized for 5 minutes, please, for an opening statement.

#### **STATEMENT OF LYDIA ROBERTSON**

Ms. Robertson. I am serving as treasurer of the Association of Boxing Commissions. And just a little background on the organization: In the late 1980s, a group of concerned commission representatives got together in the hopes that they could standardize some safety regulations for the professional boxing industry. And, shortly thereafter, the bill known now as the Mohammed Ali Act came into being, and it helped unify those various States. So more and more States joined, because in the Muhammad Ali Act it specifies that if you do not have an authorized regulatory body from within the State, that you must use a different recognized organization. And every State wanted to participate.

Not too long after that, the law was amended and now includes a lot of tribal governments. So we have about 75 members that are housed within the U.S. borders and about another 70 members from outside our borders.

The ABC, which is what we call the Association of Boxing Commissions -- because that is a long name -- is a 501(c)(3) nonprofit and maintains a Web site and offers continual training courses to enhance uniformity and skill among professional boxing and MMA referees



and judges.

Roughly 8 years ago, the ABC began working on uniform, standard safety rules for MMA -- just had been done for boxing -- and they were updated this past summer in 2016.

The ABC receives no funds from the Federal Government but exists on the dues collected from State and tribal commissions and from registration at the annual educational and training symposium. The ABC has no employees; we have no contract help other than the occasional CPA. I am here on my own time. And ABC President Mike Mazzulli had hoped he could be here, and there is a brief statement from him included in the comments.

The ABC's interest is always focused on fighter health and safety: How do we protect fighters, sometimes from themselves, and yet let them participate in the sports of their choosing? The interest on the fighters, the fair treatment of the fighters, and their future is always uppermost. Without these brave athlete souls, this meeting wouldn't even be held. And without the promoters putting on those shows, this meeting wouldn't be held. There is a delicate balance between the two.

The Association of Boxing Commissions expanded their name this past summer to Association of Boxing Commissions and Combative Sports, as, clearly, the ABC is ready and willing to accept more responsibility of the Ali Act or some other bill directed at safety and to benefit the fighter passes.

The ABC, among its many members, possess unique and valuable perspectives. I was actually a promoter for years. One of our board

members was a fighter at one point. Another State commissioner that I know of trained fighters. This five-member board of directors for the ABC currently has 90 years' experience just between us -- some of it regulatory, some participatory.

Unlike some laws with good intentions, the Muhammad Ali Act has greatly contributed to competition standards in title fights, altered the way contracts are entered into between managers, promoters, and athletes. The simple fact is that if a bill will reduce MMA exploitation and enhance fighter safety and if it is something the fighters are ready for, the ABC, after seeing the final bill, will probably support the bill.

The ABC does not concern itself with promoters and their needs regardless of whether they are a multibillion-dollar promoter or a small one found in the State of Alabama. It is the fighters with whom the ABC is most concerned.

In closing, I would like to remind everyone that the small local promoter will also be required to adhere to changes in any law. The ABC's goal is uniform enforcement of protections.

And my last comment would be, there is a balance between a business model and a sports model. I am not an expert enough to tell you what that is, but I think, with all of the committee's experience and dedication, you will arrive at those decisions.

And the ABC is so grateful to be a part of this. Thank you for allowing me to testify.

[The prepared statement of Ms. Robertson follows:]

\*\*\*\*\* INSERT 1-2 \*\*\*\*\*

Mr. Burgess. The chair thanks the gentlelady.

The chair recognizes Dr. McKee, 5 minutes for your opening statement, please.

**STATEMENT OF ANN MCKEE, M.D.**

Dr. McKee. Mr. Chairman and members of the committee, thank you for the invitation today to testify on mixed martial arts issues and perspectives.

My name is Dr. Ann McKee. I am a professor of neurology and pathology at Boston University School of Medicine. I am chief of the neuropathology service for the VA Boston Healthcare System, and I am director of the CTE Center at Boston University. My testimony today reflects my personal professional opinion. I am not speaking officially on behalf of the Department of the Veterans Affairs or Boston University School of Medicine.

CTE, or chronic traumatic encephalopathy, is a major problem in contact sports, such as boxing and football, and any other sport that involves a high number of head impacts, such as mixed martial arts. Even though there is not much research available on the long-term consequences of MMA, we know it has a high concussion rate and, importantly, it has a high subconcussive impact rate.

CTE is a neurodegenerative disease triggered by repetitive head trauma that causes buildup of an abnormal protein called tau in the brain. The abnormal tau is toxic to nerve cells and causes a

progressive brain deterioration over time. Symptoms of CTE include memory loss, confusion, impulse control problems, aggression, depression, and dementia.

CTE was originally described in boxing and now has been found in many other sports. We found evidence of CTE in the only MMA fighter we examined, a 27-year-old who took his own life, and there is good reason to believe that a significant portion of other MMA fighters are at risk for CTE. This is because exposure to repetitive head impacts is the major risk factor for CTE, and MMA fighters experience substantial head trauma during their fights as well as during their training and sparring sessions.

There has been a primary focus on concussions in the development of CTE. Even the movie about CTE was named "Concussion." Yet all of our research to date points to the fact that CTE is associated with prolonged exposure to repetitive small impacts, the subconcussive hits that are asymptomatic.

In sports like MMA, the risk for CTE is not directly related to concussions; rather, the risk for CTE is related to the cumulative exposure to subconcussions that occur with every blow to the head. The longer you play contact sports, the higher your exposure to repetitive head impacts and the higher the risk for CTE.

Starting a contact sport at a young age often leads to a longer playing career and greater exposure to head trauma, but another factor that contributes to enhanced risk for young athletes is that the developing brain is more susceptible to damage from repetitive trauma.

There is a lot of skepticism regarding the significance of CTE. For years, people have said that CTE was not a real disease. They say there is confusion and debate among scientists, that CTE cannot be distinguished from Alzheimer's disease or aging and epilepsy. But there is no scientific confusion about whether CTE exists. CTE not only exists, it is definitively diagnosed by neuropathologic examination of brain tissue.

In 2015 and 2016, a panel of expert neuropathologists, convened by the National Institute of Neurologic Diseases and Stroke, determined that CTE was a unique disease that could be easily distinguished from other tau-based diseases. And they even went on to say there is a pathognomonic lesion for CTE -- a brain lesion that is found in CTE that is not found in any other disorder and is specific for CTE.

The other misinformation about CTE is that it is very rare, it has only been diagnosed in a few hundred people, and millions of people have played contact sports. But CTE is not rare. We would not be able to find 218 cases of CTE in 291 athletes over the past 8 years if it were rare. If you don't look for something, don't know how to look for something, and don't find it, that doesn't mean that something is rare; it means it is underrecognized. Recent brain bank studies have shown that CTE is present in 5 percent of the general autopsy population.

Now, if you were to ask me how to limit risk for CTE in MMA, in addition to the minimum standards previously suggested by Representative Denham, I would say: Don't allow children and young

adults to participate in full contact with head strikes; educate fighters to limit their exposure so as to not allow head strikes in training and sparring; limit the number of head strikes during a match; and reduce the number of full-contact matches per season.

CTE is a big problem from contact sports, and what we know today is very likely the tip of the iceberg. While we recognize the importance of contact sports to an athlete's physical and psychological well-being, CTE is a known and preventable consequence.

There is great urgency for funding for CTE research and the risks associated with sports like MMA and military service. We need to bring hope to the players and veterans who are in the beginning of stages of CTE and showing signs of memory loss, behavioral changes, and depression. We need to develop effective interventions and treatments for CTE so that all individuals can continue to participate in the sports that they love but also live long, healthy, productive lives.

Thank you.

[The prepared statement of Dr. McKee follows:]

\*\*\*\*\* INSERT 1-3 \*\*\*\*\*

Mr. Burgess. The chair thanks the doctor.

Mr. Couture, you are recognized for 5 minutes for an opening statement, please.

#### STATEMENT OF RANDY COUTURE

Mr. Couture. Thank you, Mr. Chairman, and thank you to the members of the committee for having me here as a representative of Mixed Martial Arts Fighters Alliance, or fighters, and to give a mixed martial artist's perspective on a great sport.

I have been a combative sports athlete since the age of 10, for over 40 years. I wrestled at Oklahoma State University. I was a three-time All American there and received a degree, a Bachelor of Arts, in foreign language and literature.

I started my mixed martial arts career in 1997 as a wrestler, rolling years of wrestling experience into mixed martial arts. My first title fight was that year, in December of 1997. I am a six-time world champion in the sport of mixed martial arts through the UFC most of my career and fights took place.

As an athlete, I want to give our perspective on what is going on in the sport and the things that we are up against.

I think we fill out the same paperwork and are governed by the same regulatory committees in each State, the athletic commissions -- we fill out much of the same paperwork as boxers. There is one difference that is going on in mixed martial arts and a flaw



in the structure, and that is that the regulatory promoter and the sanctioning body are one and the same person in mixed martial arts, which isn't the case in boxing.

Independent sanctioning bodies are formed in boxing and licensed by the athletic commission to create rankings and titles for boxing. In mixed martial arts, the promoter does both of those jobs. He promotes the fights; he also creates those rankings and those titles for those fighters. That gives him an unfair advantage and reduces the ability of the fighter to negotiate a fair value in the marketplace.

An obvious example of that is that recently the UFC, through Zuffa, sold for \$4.25 million. If you do the simple math of the 16 years that they owned the company and how much they put out to the fighters during that time period, it is literally less than 10 percent of that amount.

This is a significant problem. It creates a conflict of interest, where they create the titles and the rankings for us as fighters. If we want to participate, we have to sign a contract basically signing away a lot of our ancillary rights and abilities in sports that a lot of other athletes and the protections of the Ali Act give boxers.

So what we are trying to accomplish is to get the Ali Act amended simply by changing the definition of what a boxer is to a combative sports athlete. Under those provisions, it standardizes contracts across the board, creates a separate independent agency to determine rankings and titles, and it allows us a free and open market for the

promoters then to bid on those top fights and gives us a chance to estimate our fair value in the market and get our fair share of the revenues that are generated.

Right now, the number-one promotion in the sport is the Ultimate Fighting Championship. They are garnering over 90 percent of the income that comes from the sport. There are other promotions that are using this same, exact flawed model, creating their own titles and their own rankings, but obviously on a much smaller scale.

So it is our hope that -- and we obviously realize this is a process, but it is our hope that you will consider amending the Ali Act to encompass and incorporate mixed martial arts and other combative sports that fall under it, just like boxing.

Thank you guys very much for giving us a voice here.

[The prepared statement of Mr. Couture follows:]

\*\*\*\*\* INSERT 1-4 \*\*\*\*\*

Mr. Burgess. The chair thanks the gentleman and thanks all of our witnesses for your testimony.

I was going to excuse Representative Denham, but he has already excused himself. So noted.

We will begin with the question-and-answer part of the hearing, and I am going to go first to Mr. Mullin of Oklahoma.

Five minutes for your questions, please.

Mr. Mullin. Wow, I never get to go first. I am feeling --

Mr. Burgess. It is my last chance to let you go first.

Mr. Mullin. It is your last chance. Well, we are ending the year with a bang.

Hey, thank you, and thank for the witnesses for all showing up. I really do appreciate it.

Appreciate, Ms. Robertson, you coming in here on your on behalf and representing the entity that we are looking for to maybe help with the ranking system. So we appreciate that.

Dr. McKee, you are bringing a perspective that we all know about. We all know that the sport is violent, and it is a sport that we love, though, and why we look forward to working with you. We understand that, and that is part of what we are trying to do here. Because we feel like if we can negotiate better contracts, we don't have to fight as much.

Randy, I want to go back to your testimony that you just said. Can you explain a little bit more about how the ranking system works, how it currently works and how it manipulates the fighters into

basically seeing a take-it-or-leave-it attitude when it comes to getting a chance to fight for the title?

Mr. Couture. Well, there is a definitely a take-it-or-leave-it attitude that comes from the promoters. And a perfect example of that is, as you mentioned, the first show in Madison Square Garden in New York. And the number-one fighter and probably the most popular fighter right now on that card was Connor McGregor. He was the 145-pound champion for the Ultimate Fighting Championship. He was in that particular fight fighting for the 155-pound title belt. He would be the first athlete to hold two belts at the same time. He also is interested in pursuing a match with Floyd Mayweather in boxing.

Because that kind of went against the grain with the Ultimate Fighting Championship, they stripped him of his belt at 145 pounds even though he had not been defeated in that weight class and hadn't actually competed in that weight class in a little while because he was attempting to do something historic in winning two championship belts at the same time. He was stripped of that title, and not only stripped of the title but dropped out of the top 10 rankings in that weight class even though he had not been defeated or competed there.

So they in essence used their rankings and their titles to manipulate the fighters to toe the line, to do the things that they want them to do. And there are other examples of that. I am living proof of a similar thing and the kind of closed market that exists in our sport right now. I pursued in the height of my career as the -- as what most people considered the number-two heavyweight in the world,

I wanted to fight the number-one heavyweight in the world. How do you be considered the best in your sport? You fight the best guy out there. I was unable to see that fight happen through the Ultimate Fighting Championship and pursued that fight myself outside of that contract and was prevented. In fact, injunctions were filed and everything else to keep me from making that fight happen.

At some point, I just had to recognize that I was in my forties and the clock was ticking and just went back and continued the rest of my career, but never got the chance to be considered the number-one fighter in the world based on the outcome of that fight.

That conflict of interest gives the promoter a ton of power to manipulate the fighters, to manipulate the rankings. You know, for them, it is just business. They are trying to get the most pay-per-views sold and the most people to buy tickets, and they will do whatever they need to do to manipulate that ranking structure and those titles to do that.

Mr. Mullin. Mr. Novitzky -- did I say that last name right?

Mr. Novitzky. Correct.

Mr. Mullin. You talk about the anti-doping program -- which, thank you so much. When I was fighting, it was very rare that anyone got tested. How long has the UFC implemented these rules with the doping?

Mr. Novitzky. Our anti-doping policy went into effect last July 1, 2015.

Mr. Mullin. 2015. And you guys are being real strong on that?

You are not letting anything pass? I mean, you are making people make sure they test?

Mr. Novitzky. Yeah, well, actually, we have the United States Anti-Doping Agency, which is the officially recognized anti-doping agency of the United States for Olympic and Paralympic sports, administer our program. So that is one of the beauties of our program. The, I think, pillar of strength of our program is that we don't police ourselves. We have an independent authority that --

Mr. Mullin. Then tell me, how did Brock Lesnar get a pass just this past July to not have to test before a fight? He was waived, a 4-month waiver that he is supposed to -- when you are coming out of retirement, you are supposed to test for 4 months before you are able to come out of retirement, take a fight. However, he was waived, he didn't have to.

Mr. Novitzky. Well, that is not accurate, that he had a pass in terms of testing.

Mr. Mullin. Yeah, I believe it is. And I can submit the article for the record, if you don't mind, Chairman, because --

Mr. Novitzky. I would be happy to clarify what the situation was.

Mr. Mullin. Okay. And maybe we can do that, because I am running out of time.

Before I run out of time, Mr. Chairman, I have a copy of the standard MMA fighter and promotional contract from the UFC that I would like to enter in the contract, just to make sure that the body understands what type of contracts our fighters are currently against

and how three -- you know, being the promoter, being the contract holder, and being the person who controls the ranking is a direct conflict in interest for the fighters.

Mr. Burgess. Without objection, so ordered.

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Mullin. I yield back.

Mr. Burgess. The gentleman yields back. The chair thanks the gentleman.

The chair recognizes the gentlelady from Illinois, Ms. Schakowsky, 5 minutes for your questions, please.

Ms. Schakowsky. Thank you.

I want to follow up on head injuries. And, of course, you know, they are inherent in mixed martial arts. We have heard all the dangers of concussions, but I wanted to underscore the threat posed by repetitive hits to the head, known as subconcussive hits, that do not result in concussions and often show no symptoms. My understanding is that subconcussive hits can be quite dangerous, as has been discussed.

So, Dr. McKee, can you tell us what the evidence shows thus far in terms of the effect of the subconcussive hits on the brain? And have subconcussive hits, even in the absence of a concussion diagnosis, been linked to decreased cognitive functioning or changes in brain chemistry?

Dr. McKee. Oh, absolutely. Subconcussions or just exposure to repetitive impacts -- that is usually measured in exposure years to the sport, so the length of the playing career of a football player, a hockey player -- that has been significantly associated with long-term cognitive impairment, apathy, and depression -- not CTE, because those are living individuals. But we have also seen it in our brain autopsy series, where the longer a football player plays, the



higher the risk for CTE.

We know that in high school athletes, if you follow them for a single season in football, hockey, and soccer, even in the absence of a concussion, you will see MRI evidence of brain damage at the end of that season, not related to concussion, because none of those athletes had a concussion. So that is the subconcussive injury sustained by those amateur high school athletes in a single season showing up as brain damage on MRI and also some neuro-psych exams.

Ms. Schakowsky. Now, you said because the players were living that it is hard to find out if they have CTE. So you are saying that -- what is the status right now of being able to diagnose CTE in living people?

Dr. McKee. Well, there is a tremendous interest in that. Obviously, that is one of the stumbling blocks for really understanding how common the disease is. There is a tremendous interest.

Many academic centers -- Mt. Sinai, Boston, Mass General, UCLA -- many centers are looking at diagnosing CTE using what they call a PET tau ligand, or a way to image tau in the brain just with an injection. And that is looking very promising. There have been some case reports reported, and we are looking now for the big series of being able to confidently say this is CTE in living individuals.

There has also been a lot of advance in blood biomarkers, looking at things like ratio of hyperphosphorylated tau to tau in the blood and in the plasma; different biomarkers like something called neurofilaments.

So we are really on the verge -- I think in the next 2 to 5 years we are going to nail this down. There has been tremendous, explosive advances just in --

Ms. Schakowsky. Well, I would suggest that Members of Congress who are really interested these kinds of sports, and especially because of youth sports and the exposure of kids who see these athletes as role models, that we really push for that kind of research so that we could make sure that we know more before someone dies.

Dr. McKee. Yeah, absolutely.

And I think we also need long-term perspective studies of thousands of amateur athletes, you know, high school athletes, following them so that we can learn what those subtle symptoms are in the very beginnings of this disease so we know when to intervene, to maybe, you know, develop some therapies that would make it less likely that they would develop CTE.

Right now, we are really operating in the dark. We don't have any diagnosis except after death. There is a huge need to understand the effects of sports trauma. We know that sports are important; we don't want our kids to stop playing sports. But we have to understand the risks, and that is going to require funding for some of these long-term projects.

Ms. Schakowsky. Thank you.

Mr. Couture, we have heard that the structure of the MMA system does not give fighters sufficient bargaining power with regard to their contracts. I am concerned about the effect that has on the health and

safety of fighters. If a fighter is hurt, does he have pressure to fight again instead of waiting to heal because he needs to fight to get paid?

We have talked that, you know, injuries can occur in the lead-up to the fight, but there is no compensation, there is no health insurance, there is no nothing until you actually fight. So are they pressured into the fight?

Mr. Couture. Well, there is certainly some pressure involved in that. You are not going to get paid for all the training and everything you did leading up to fight night. So if you were injured or any of those things in the course of that training, you know, obviously, if you are unable to compete, you have done all that for nothing, you are not going to get paid.

So that is certainly -- I don't know a single fight that I didn't walk into that I didn't have some nagging injuries, whether it be a sprained thumb from sparring or a sore ankle or whatever. But certainly something like a knockout or something like that is a rare occasion in fighting. That is why we have great teams, guys that we trust that we train with, and we train very, very hard. It is still a contact sport. But that is an important piece of the puzzle.

So I definitely think there is some pressure there. You want to get to fight night, and you are going to do whatever you need to do to get to go out there on your opportunity and show what you have trained to do.

I think we fall under the same guidelines as boxing, where, you

know, CT scans and blood tests and all of the medical procedures to ensure that we are healthy going into that fight are taking place. We are getting the physicals the day of weigh-ins and all those things, just like boxers and other combative sports athletes.

And if you get knocked out in a fight or you are injured in a fight, the first place you go is to the hospital. You are getting a CT scan to make sure there is nothing seriously wrong going in there that stemmed from that competition.

So I think, you know -- and then there are mandatory suspensions. Those things are a regular practice, mandatory. If you get knocked down or knocked out, you are going to get a 90-day suspension right off the top. And then, depending on the outcome of that CT scan from that night, they are going to determine if that needs to be a little longer, if it needs to be extended to give you more time to heal up before you even spar again, let alone compete again.

So I think there are safety procedures in place that are implemented and regulated by the athletic commissions that put on combative sports across the country. Do we need --

Ms. Schakowsky. But not in MMA, you are saying.

Mr. Couture. Well, those same things happen in MMA. The difference is, if I was Floyd Mayweather, making the kind of money he made as a boxer, he could fight one time a year. He is only in training camp for that 2- or 3-month period to fight that one time a year. And he may not have to fight for a year or two, until he wants to again, frankly. In mixed martial arts, I don't really have that luxury if

I want to make a decent living in the sport that I love.

Ms. Schakowsky. Thank you.

I yield back.

Mr. Burgess. The gentlelady yields back. The chair thanks the gentlelady.

The chair recognizes the gentleman from Massachusetts, Mr. Kennedy, 5 minutes for questions, please.

Mr. Kennedy. Thank you, Dr. Burgess. I want to thank you for having this hearing, along with the ranking member as well.

I want to thank the witnesses for being here, particularly Dr. McKee and all the work that you do up back home for me at Boston University. Thank you. Thank you for being here.

And I know he has been recognized by a couple other of my colleagues here so far, but we wouldn't be here, obviously, if not for the efforts of Mr. Mullin. And I know his passion for this stems from his experience with it. So I want to thank my colleague from Oklahoma for his leadership on this.

MMA promoters have been criticized for imposing restrictive contracts and not allowing fighters the ability to negotiate terms of those contracts.

I want to start, Mr. Couture, with you. Can you expand on the issue? I know some of this has already been touched on; I know you have touched upon it a bit. But why don't fighters have more bargaining power when they enter contracts with promoters?

Mr. Couture. There is no transparency from the promoter in what

is actually made off of the particular bout that you are in, so then you have no real way to judge what your true value is in that particular fight. And they control the rankings and who gets shots at the titles.

Mr. Kennedy. So talk to me a little bit about that. What value would an independent ranking system have for you, and how would that help fighters gain bargaining power?

Mr. Couture. An independent ranking structure would create an open market where promoters across the board from whatever promotion could then bid on making that independent rank and those top fights for those best athletes happen regardless. It would eliminate the exclusivity of the contracts.

Right now, every promotion is forcing athletes to sign a contract that is exclusive to that promotion. What if Wimbledon forced all the top tennis players to sign an exclusive contract to compete in Wimbledon for that title? That is in essence what the UFC does right now. They are that Wimbledon. The U.S. Open, the Australian Open, the French Open, they would all dwindle and go away, because they would no longer have access to those top athletes that are forced to sign that exclusive contract.

Mr. Kennedy. And so, focusing on the ranking system there, can you also talk to me a little bit -- and I heard a little bit about this yesterday, but the typical payment structure for MMA fighters. And I know you touched on this a little bit, but --

Mr. Couture. The payment structure?

Mr. Kennedy. Yeah.

Mr. Couture. Right now, it is something that your manager and you negotiate with a promoter to get. The top 5 percent of the athletes in our sport make a pretty decent living. Is it compared to what Floyd Mayweather and other boxers and other athletes in other sports make? Not even close.

Mr. Kennedy. What about the 95 percent?

Mr. Couture. But there is 95 percent of the athletes in our sport that are struggling to make a living and can't --

Mr. Kennedy. What is "struggling to make a living"?

Mr. Couture. -- can't compete. Well, the lower-tier fighters are making \$5,000 and \$5,000 -- \$5,000 to show up and fight, \$5,000 if they win that fight. How many times do you have to fight in a year, when a training process takes 10 to 12 weeks, to make a decent living when you are making \$10,000 off that fight?

Mr. Kennedy. And how many fights does a typical MMA fighter go through, given what you know and --

Mr. Couture. In a given year?

Mr. Kennedy. Yeah.

Mr. Couture. I think between --

Mr. Kennedy. And is safe for -- to do in a way that is safe for you and --

Mr. Couture. Well, I mean, it takes me 10 to 12 weeks to prepare for one fight. If I fought three or four times through the course that year, that is 48 weeks that I am in training, preparing, in a 52-week year. So there are some fighters that are more active than that and

fight more than that, but that is a pretty good indication of --

Mr. Kennedy. And talk to me a little bit about endorsements. How does the endorsement structure work?

Mr. Couture. Well, the endorsement structure has changed with that particular promotion to UFC. We used to be able to go out and develop relationships, and I had people that have sponsored me since I first started fighting, that grew with me through the exposure that they got from my success as a fighter. Much of that went away with the UFC and fighters that are under contract with the UFC when they forced the fighters under contract for them to wear uniforms made by Reebok. They signed a deal with Reebok for \$70 million, and that requires all athletes to wear that uniform, and no longer are they able to go out and garner their own sponsors in the various niche supporters of the sport.

Mr. Kennedy. So that would be supplemental income that you had on top of the 5 and 5 that you said was the lower range for --

Mr. Couture. Actually, many of those mid- and lower-tier fighters could make just as much from going out and garnering sponsorship for the exposure they are going to get in that particular fight as they were getting for their fight purse in the first place, and that went away --

Mr. Kennedy. And that limited doing that.

Mr. Couture. -- that went away for them.

Mr. Kennedy. I have about 30 seconds left. I want to build off of what Ms. Schakowsky touched on and you touched on. My understanding



is that for injuries suffered during a fight, that that is covered from the health care that is provided from the league, if you will.

What about injuries suffered during training? What happens there? How does that work? I would imagine that, as you said, you often -- if you are sparring for 10 to 12 weeks per fight, I imagine that is pretty physical, so --

Mr. Couture. Well, obviously, if you are injured during the course of the night, the insurance rider for that fight, for that competition, covers whatever happens.

Through my dealings with the UFC, because I have had several contract disputes over ancillary rights and other things with the company, out of that, one of my complaints was, what about these guys that get injured in the course of training getting ready for a fight? Now they can't fight. Not only do they not get paid because they couldn't make it to the fight, but now they are responsible, because of lack of insurance for most fighters, to take care of whatever that injury was.

The UFC right now is the only promotion that does this, but they have implemented an accident insurance policy. So if there is an accident -- now, if you are sick or got the flu or whatever, you are still on your own. But if there is an accident in training, that accident policy is in place. It is not a great policy, but at least it is better than nothing.

Mr. Kennedy. What is an accident? Like, you would break my rib?

Mr. Couture. Something like that.

Mr. Kennedy. I would imagine.

Mr. Couture. It is a contact sport. Sometimes those types of things happen. You get cut. Sometimes you get cut.

Mr. Kennedy. So is that covered --

Mr. Couture. -- a head clash, you might need stitches. Who is going to pay for those stitches?

Mr. Kennedy. I don't normally head-butt all that often in my business here. I try not to, anyway. But that -- so --

Mr. Couture. But as a sport, on the whole, that is the only accident policy that is in place. Fighters, on the whole, across the board, are on their own.

Mr. Kennedy. Sounds like a strong endorsement for ObamaCare, Mr. Chairman.

Thank you very much.

Mr. Burgess. I have a different interpretation.

The chair would recognize Mr. Rush for 5 minutes for questions, please.

RPTR ZAMORA

EDTR HOFSTAD

[11:57 a.m.]

Mr. Rush. I certainly want to thank you, Mr. Chairman.

And I want to thank all the witnesses who are before us today.

I want to direct my questions to Ms. Robertson.

You are the treasurer of the Association of Boxing Commissions, plural. Tell me a little bit about the boxing commissions. I want to know, what is that?

Ms. Robertson. Those are the regulatory bodies spread across the Nation, almost always a State agency. My personal State is housed under the Arkansas Department of Health. Some are under Commerce, some are under Licensing and Regulation.

And each State has created a commission so that they can have a department that enforces the Muhammad Ali Professional Boxing Act. And that includes tribal governments as well. Not every tribal government promotes or hosts MMA or boxing, but if they do, there is a real push for them to be part of our training symposiums, our officials' training.

Mr. Rush. So, in terms of governance, do they have any teeth, power in terms of governance? Do they really call the shots?

Ms. Robertson. I can't speak for every State, but, yes, the ones that I am familiar with. California has an excellent program, and they control every item of it. In my home State of Arkansas, no matter what

violation, the way the law is written in Arkansas, nothing that a licensee does is a felony, but they are very fineable misdemeanors.

So, yes, they have a hammer -- to the best of my knowledge, all of them have a hammer that they can require enforcement of the minimum standard rules.

Mr. Rush. Yeah. I was a proponent and worked on the Muhammad Ali Act, and I certainly am supportive of it. And I am supportive of expanding these protections.

In your testimony, you mentioned MMA fighter exploitation. And I think that we heard some testimony today that would bring attention to fighter exploitation. Is that a pervasive problem now in the industry?

Ms. Robertson. I think that if you talked to the participants, the answer is: Most definitely. I think that if you speak to various other components, they would say: Not so much. It is really a question -- whatever legislation is passed will be enforced on a local level for a small promoter just as it would be enforced all the way up the chain to whatever major promotion there is.

So exploitation -- in my State of Arkansas, we have never had the benefit of one of the major MMA shows, so I have never actually held a contract in my hand. I would like to be able to speak first-person on that, so I really can't address that. The fighters that I hear from, they do talk about exploitation.

Mr. Rush. Does anybody else on the panel have more of a direct experience with exploitation that you want to highlight here before

this committee?

Okay. Well, moving on, because my time is running out, this Congress is like a 10,000-pound elephant, moves around quite slowly. How can we help you? What do you suggest? What are you thinking? How can we be of assistance to you?

Ms. Robertson. The Association of Boxing Commissions and Combative Sports welcomes the idea of having more authority or aiding in the enforcement of proper regulations. We already have passed minimum standard rules for MMA. We have fouls, we have training, we are there. We just don't have any teeth to do any other kind of enforcement.

In boxing, as I think Representative Denham alluded to, in boxing, when it comes down to making the contract, the ABC actually recognizes the sanctioning bodies. They have to make application; that has to be published. The fighters know what the standards are. And we don't have those kind of teeth in the MMA industry.

So we even expanded our name this year so that we could make sure everyone knows, we are here for all combative sports. So it is the Association of Boxing Commissions and Combative Sports.

Mr. Rush. Thank you, Mr. Chairman. I yield back.

Mr. Burgess. The chair thanks the gentleman.

The chair does wish to recognize that, in a true sense of harmony in the season, and I allowed every other member to go first because I wasn't sure when we were going to call votes. So I will recognize myself, 5 minutes for questions.

Ms. Robertson, first, it is an unrelated question, but you are a graduate of Arkansas Tech. Is that correct?

Ms. Robertson. I am.

Mr. Burgess. My wife graduated from Arkansas Tech.

Ms. Robertson. Go, Wonder Boys.

Mr. Burgess. There you go.

Let me just ask you and Mr. Novitzky, Dr. McKee provided us in her testimony four items, and I would just like to go through those individually and have both of you respond to whether or not these are something that could possibly happen with whatever regulation occurs through UFC and through the commissioners.

Don't allow children and young adults to participate in full contact with head strikes. Mr. Novitzky, is that something that UFC could live with?

Mr. Novitzky. Absolutely, we would be in favor and we are favorable of that.

Mr. Burgess. Ms. Robertson?

Ms. Robertson. Generally, the Association of Boxing Commissions has taken a position against youth pankration. Manipulating joints is also very dangerous. And we also are concerned right now about the cultism of weight loss, which has been proven to contribute to the head injuries.

Mr. Burgess. Yeah, we might get into that a little bit more, with the trickle-down effect of role models.

The second item was to educate fighters so that they learn the

greatest opportunity to limit exposure and not allow head strikes in training and sparring exercises.

Mr. Novitzky?

Mr. Novitzky. Absolutely. And I think we are seeing a lot more of that in training techniques and definitely with our UFC fighters.

And that is one of the things, as I talked about in my opening statement, with the under-construction Athlete Health and Performance Center, where the idea is we would bring in athletes, free of charge, to come in and learn training techniques and be educated in areas about avoiding subconcussive hits during training and then be able to take that back out to their gyms, not only in the United States but throughout the world, and educate and allow fighters to train in a much smarter level and safer level.

Mr. Burgess. Very good.

Ms. Robertson, from the commissioners' standpoint?

Ms. Robertson. To the best of my knowledge, very few States in America have the resources to foray into regulation of boxing or MMA gyms. I know in my home State that is out of the purview of the law. So --

Mr. Burgess. Let me just interrupt for a second, because Dr. McKee actually did not -- I don't think she was asking for a regulation, just educating fighters to learn the greatest opportunity to limit exposure as to not allow head strikes.

I mean, that seems fairly straightforward. Would the commissioners be in favor of that?

Ms. Robertson. Yes, the ABC would be in favor of that.

Mr. Burgess. Her third recommendation is to limit the number of head strikes in a match.

Mr. Novitzky, you are probably the best person to speak to that. Is that done now, or is that possible?

Mr. Novitzky. Yeah. I mean, we have some of the best, you know, referees in the world in MMA, which, you know, their job within the octagon is to look out for the fighter. And so you regularly see fights stopped when there are multiple head hits on a fighter.

Mr. Burgess. What is the magic number?

Mr. Novitzky. I don't know if there is a magic number.

Mr. Burgess. Okay.

And then the fourth item is to reduce the number of full-contact matches per season, which, of course -- Mr. Couture already spoke to -- that, of course, is an income-limiting event.

But just in general, UFC would be okay with that?

Mr. Novitzky. Yeah. And, you know, Mr. Couture also spoke about mandatory medical suspensions, and that is something that, you know, that MMA has, I think, better than any other sport. Somebody who is concussed in a match can get up to 6 months' mandatory medical suspension, where they can't have any contact for that period of time. So, depending on the damage that a fighter takes --

Mr. Burgess. Well, let me just interrupt you for a second because I am going to run out of time too, and I hate to cut myself off.

But, Dr. McKee, you said this is not necessarily related to a



concussion. It is the repetitive small-volume injuries or small percussive injuries that occur. Is that correct?

Dr. McKee. I did, but I didn't want to minimize the fact of concussion as a brain injury as well. So I do think they should be removed from the sport if they have a concussion and not allowed to return until they are fully recovered. I am just trying to eliminate these smaller asymptomatic hits that we know accumulate over time.

Mr. Burgess. And do you have a quantitative number for us on the number of head strikes that should be allowed with any given match or any given year or any given career?

Dr. McKee. No.

Mr. Burgess. Well, I appreciate all of your answers on that.

Dr. McKee and Mr. Couture, my understanding, and I realize it is fairly rudimentary of the sport, but my understanding is the specific equipment required of the athlete is fairly minimal. Is that correct, Mr. Couture?

Mr. Couture. The equipment required at the professional level is a cup and gloves. Obviously, the gloves are for us to allow grip and grappling. But I don't think those are really the issue.

Mr. Burgess. But what about -- yeah. So there is no helmet involved in this sport?

Mr. Couture. Well, we wear headgear and --

Mr. Burgess. Oh, you do.

Mr. Couture. In training, not in competition. It is a professional sport like boxing. And the diversion of amateur boxing

versus professional boxing, amateur boxers wear headgear when they compete, professionals do not. Same thing is true in our sport.

Mr. Burgess. Oh, I didn't know that. That is interesting.

Dr. McKee, do you have an opinion as to whether or not that would make a difference?

Dr. McKee. Well, I think improvements can always be made with headgear. It won't eliminate the problem, but we can certainly mitigate it or reduce the injury with headgear.

Mr. Burgess. Okay.

And I know my time has run out, and I want to be respectful of everyone else's time. But, Ms. Robertson, I just need to ask you on this whole notion of the independent sanctioning, is that something that the commissioners have looked at, that the person who promotes the boxer shouldn't be the one who is -- or not the boxer, but the athlete -- should not be the one who is then controlling the endorsements and the number of matches and whether or not they are on a card?

Ms. Robertson. That was set forth in the Muhammad Ali Act, and it did not require input from me. Is it something that we favor? I believe, personally -- I am not speaking for the association -- I believe that the Muhammad Ali Act did enhance anti-exploitation of their contract, but it also greatly reduced the number of events. So --

Mr. Burgess. Right, which gets to the difficulty that Mr. Couture talked about, the difficulty in earning a living when your

number of events are restricted.

Mr. Couture. Yes, sir.

Mr. Burgess. But the limitation on your endorsements, that is also a significant impediment to income. Is that correct?

Mr. Couture. Some of that goes hand-in-hand with the power and basic monopoly that that particular promotion has in the sport, because they are allowed to set their own rankings and create their own titles, which isn't done in boxing and which is governed by the Muhammad Ali Act, which is why we are seeking to get the act expanded to include mixed martial artists and combative sports athletes from other sports.

Mr. Burgess. Okay. And I do, of course, acknowledge this is not a legislative hearing; this is an informational exercise. But Mr. Mullin's language is language that is favorable to what you seek?

Mr. Couture. Yes, sir.

Mr. Burgess. Does anyone have a different opinion, the language in Mr. Mullin's bill would be detrimental to the sport or to the athlete?

Mr. Novitzky. I have a concern about the open ranking system that involves other promotions as it relates to health and safety, in that if a UFC fighter who is under the most stringent, comprehensive, robust anti-doping program in professional sports in the world is forced to fight a fighter from another promotion that may not have any out-of-competition anti-doping program, that is clearly a health and safety risk to our fighter.

Mr. Burgess. And a competitive disadvantage.

Mr. Novitzky. Correct.

Mr. Burgess. So recognized, which you alluded to, I think, in one of your statements. People who do use performance-enhancing drugs do so because they see it as a defensive posture, because, doggone it, everybody else is doing it, and if I don't, I will get hurt.

Mr. Novitzky. Absolutely.

Mr. Burgess. Well, I want to thank everybody. Seeing no other members wishing to ask questions, I do want to thank our panel. It has been an illuminating discussion this morning.

Before we conclude, I would like to include the following documents to be submitted for the record by unanimous consent: a fighter contract submitted by Mr. Mullin; an article explaining the contract; a letter from the ABC.

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Burgess. And pursuant to committee rules, I remind members that they have 10 business days to submit additional questions for the record. I ask the witnesses to submit their responses to those questions within 10 business days upon receipt of the question.

And, without objection, the subcommittee is adjourned. Thank you all.

[Whereupon, at 12:12 p.m., the subcommittee was adjourned.]